SUPREME COURT OF THE UNITED STATES.

ROBERT C. MOTHERWELL, JR., Keeper of the Philadelphia County Prison, and CAPTAIN VLADIMIR BEHR, Master of the Russian Cruiser "VARIAG,"

Appellants,

v.

THE UNITED STATES OF AMERICA, *ex. rel.* LEO ALEXANDROFF.

Appellee.

ANSWER ON BEHALF OF LEO ALEXANDROFF, APPELLEE, TO THE PETITION OF WILLIAM R. TUCKER, FOR CERTIORARI.

Isaac Hassler, of the City of Philadephia, State of Pennsylvania, being duly sworn according to law, deposes and says:

I. That the time since notice of the application for certiorari in the above case was served on the counsel of the relator, Leo Alexandroff, was too short to enable counsel to procure the answer of said Alexandroff himself, he being then a considerable distance away from Philadelphia; and therefore deponent, of counsel for said Alexandroff, makes this answer on his behalf.

II. In answer to paragraph I. of the petition, deponent says that Leo Alexandroff is *not* a member of the crew of the Russian cruiser "Variag"; that this is the chief question in the case, and the decision

senting Judge, have agreed that it was not a Russian ship, because it had not been accepted by the Russian Government.

The deponent therefore says that what deponent believes is the chief point in the case, is agreed on by all the Judges of the District Court and Circuit Court of Appeals. That the Russian Government did not present to the District Court the question of the comity and, while there is a dissent in the Circuit Court of Appeals on this question by one Judge, the other two Judges are in the main agreed.

And therefore deponent says that the Writ of Certiorari to the Circuit Court of Appeals in the Third Circuit prayed for in the petition should not issue.

Sworn to and subscribed before me this 20th day of April, 1901.

J. W. A. Cone
Notary Public
Seal
My commission expires March 6/1905